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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,511	09/16/2003	William J. Thompson	42524-1300	1870

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EXAMINER

RAMIREZ, RAMON O

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,511

Applicant(s)

THOMPSON, WILLIAM J.

Examiner

RAMON O. RAMIREZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 20, 21, 23-26, 28 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 4, 9, 10, 22, 27 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/10/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

This is the second Office Action corresponding to amended filed Aug 9, 2004.
The application contains 28 claims; numbered 1-14, and 20-33, claims 15-19 have been cancelled.

Election/Restrictions

Applicant's election without traverse of claims 1-14 and 20-24 in the reply filed on Aug 9, 2004 is acknowledged.

Claims 11-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, however, in the event that claim 1 is allowed, these claims may also be allowed.

Information Disclosure Statement

Receipt is acknowledged of Information Disclosure Statement, which has been reviewed by the Examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 13 (see page 2 of the specification) and 60 (see page 6 of the specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

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avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 6, last line "Figure 5" apparently should be - - Figure 4 - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The shape of the support member being cuboid is not recited in the specification. The specification does state the support member may be rectangular but rectangular does not necessary translate to cuboid.

Claims 28, and 20-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 28 and 30 lack antecedent for “coupling member” and “support member”. For the purpose of this Office Action, the coupling member and the support member would be considered as the saddle and the shaft.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25, 28, 30, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent (DE 2,923,893).

The German Patent shows a cable support comprising a shaft (1) and a cable support loop having a saddle, and a sleeve (8). The device is made of flexible material.

Claims 25, 28, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Laughlin (Pat No 5,740,994).

The patent to Laughlin shows a cable support comprising a shaft (33), and a cable support loop having a saddle for supporting cables.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by admitted prior art (APA) shown in instant drawings.

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APA shows a cable support comprising a shaft (15), and cable loop having a saddle for supporting cables.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the German Patent. The German Patent shows the sleeve made of rubber, but the specific material from which it is made is seen as a matter of expediency having no patentable significance as long as the protection to the cables is achieved. The shape of the device is considered to be an obvious matter of engineering choice having no patentable significance. The instant specification recites that several shapes can be used without departing from the spirit of the invention.

Claims 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of the German Patent.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Laughlin with a sleeve for protecting the cables as shown by the German Patent. The German Patent shows the sleeve made of rubber, but

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the specific material from which it is made is seen as a matter of expediency having no patentable significance as long as the protection to the cables is achieved.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin. The shape of the device is considered to be an obvious matter of engineering choice having no patentable significance. The instant specification recites that several shapes can be used without departing from the spirit of the invention.

Claims 1, 2, 3, 5-7, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Rancourt (Pat No 4,979,715).

The patent to Rancourt shows at Fig 4 a holder device to be attached to a supporting surface comprising a loop (42) for receiving a fastener. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by APA with a loop for receiving a fastener for securing the device directly to a supporting surface as shown by Rancourt. To provide the loop with a securing element for the fastener is considered as an obvious matter of expediency since it would free one hand of the user when driving the fastener, and would also avoid losing the fastener while is being driven into the surface.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Laughlin and the German Patent.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by the combination set forth above, with a sleeve for protecting the cables as shown by the German Patent. The German Patent shows the

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sleeve made of rubber, but the specific material from which it is made is seen as a matter of expediency having no patentable significance as long as the protection to the cables is achieved. As to claims 20 and 21 to have a second cable support is seen as an obvious duplication of parts.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Rancourt and instant Fig 2, which is also admitted prior art.

It would have been obvious to one skilled in the art at the time the invention was made to have secured the second cable support with the fastening means shown by instant Fig 2 as an alternative way for securing the support.

Allowable Subject Matter

Claims 4, 9, 10, 22, 27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones (5,005,789) shows a cable support having a sleeve (18). Sellati (5,957,416), Meyer (6,565,048) and Miescher (2003/0122412) show cable support devices comprising a loop defining a saddle for supporting the cables.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (703) 308-0748. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESLIE BRAUN can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A shortened period for response to this Office Action expires THREE MONTHS
from the mailing date of this action.


RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632

ROR
September 17, 2004